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Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

CRIMINAL REVISION NO. 260 /2006

PETITIONER
~~(IN JAIL)~~

Bharat yadav,
S/o. Makhan Lal Yadav,
Aged about 42 years, R/o.
Baniapara Ward, Dhamtari,
District Dhamtari (C.G.)

1644/06
Filed on 12/04/06
by Shri Raj Kumar Pali Advocate

VERSUS

R. to D.R. (J)

RESPONDENT

State of Chhattisgarh,
Through District Magistrate,
Dhamtari (C.G.)

Heard in Jail by Court on 24/4/06

CRIMINAL REVISION UNDER SECTION 397 READ WITH SECTION 401 OF THE CODE OF CRIMINAL PROCEDURE, 1973

(51)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक Cr.Rev. 260/2006 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

20.06.2006

Smt Fouzia Mirza, learned counsel for the applicant.

Shri Arun Sao, G.A. for State.

Learned counsel for the applicant submits that she does not press M.Cr.P. No. 847/2006 for suspension of sentence and grant of bail which is accordingly dismissed as not pressed.

Learned counsel for the applicant prays that this matter be heard finally today on admission since out of the sentence awarded to the applicant, only one month remains to be undergone.

Prayer is not opposed.

The revision is heard finally at the stage of admission.

This revision is against the judgment dated 29.3.2006 delivered by Addl. Sessions Judge, Dhamtari in Criminal Appeal No. 203/2004 whereby conviction of the applicant under Section 467 and 471 of IPC and the sentence awarded by the Judicial Magistrate First Class, Dhamtari in Criminal Case No. 1198/1994 vide judgment dated 26.7.2004 was affirmed.

Both the Courts below have relied on extra judicial confession of the applicant which is Ex.P-3. It is true that the hand writing expert in his report Ex.P-39 has opined that the questioned documents were not written by the applicant since

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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	they did not match with the specimen signatures of Rambhuvanlal made by the applicant. However, there is overwhelming evidence of written extra judicial confession made by the applicant before the Branch Manager, Bank of Baroda, Dhamtari that he had withdrawn the amount from the savings account No. 60541 of Shri Rambhuvanlal Sahu by forging the signatures of the account holder. Both the Courts below have found that the extra judicial confession vide Ex.P-3 was true, reliable and voluntary. In this view of the matter, no such illegality or manifest error of law is seen so as to justify indulgence in the exercise of the revisional jurisdiction. This revision being devoid of merit is dismissed. Sd-/ Dilip Raosaheb Deshmukh Judge	

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